

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

CHRIS MALONE,

Plaintiff,

v.

STEVEN ANGLE, in his individual
and official capacity as Chancellor
at the University of Tennessee-
Chattanooga; MARK WHARTON,
in his individual and official
capacity as Vice-Chancellor and
Athletic Director at the University
of Tennessee-Chattanooga; and
RUSTY WRIGHT, in his individual
and official capacity as Head
Football Coach of the University
of Tennessee-Chattanooga,

Defendants.

Case No. 1:21-cv-00089-TAV-SKL

DEFENDANTS' NOTICE OF ISSUANCE OF SUBPOENA

Defendants hereby provide notice of issuance of a subpoena to Twitter, Inc., attached hereto as Exhibit A, issued on July 22, 2022. A copy of the attached was e-mailed to all counsel of record prior to service.

Respectfully submitted this 25th day of July, 2022.

THE UNIVERSITY OF TENNESSEE

s/ Michael D. Fitzgerald

Michael D. Fitzgerald, BPR # 20079

Associate General Counsel

719 Andy Holt Tower

Knoxville, TN 37996-0170

(865) 974-2544

mike.fitzgerald@tennessee.edu

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2022, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Michael D. Fitzgerald

Michael D. Fitzgerald

UNITED STATES DISTRICT COURT

for the
Eastern District of Tennessee

CHRIS MALONE

Plaintiff

v.

STEVEN ANGLE, et al.

Defendant

Civil Action No. 1:21-cv-00089

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Twitter, Inc.

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Production of all twitter content for account: @cmalone51 on January 5, 2021 to January 7, 2021.

Place: University of Tennessee
Office of the General Counsel
505 Summer Place, UTT #1155; Knoxville, TN 37902

Date and Time:
08/05/2022 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/22/2022

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* University of Tennessee, who issues or requests this subpoena, are:

Michael D. Fitzgerald; 505 Summer Pl., UTT#1155, Knoxville, TN 37901; 865-974-9321; mike.fitzgerald@tennessee.edu

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:21-cv-00089

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* Twitter, Inc.
on *(date)* 7/22/22.

☒ I served the subpoena by delivering a copy to the named person as follows: Via facsimile on 7/22/22

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 7/22/22



Server's signature

Michael D. Fitzgerald, Associate General Counsel

Printed name and title

University of Tennessee
Office of the General Counsel
505 Summer Place, UTT #1155
Knoxville, TN 37902

Server's address

Additional information regarding attempted service, etc.: